

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY JOSEPH MORTENSEN,

Plaintiff,

v.

HUMBOLDT COUNTY CORRECTION
FACILITY, et al.,

Defendants.

Case No. [24-cv-00933-HSG](#)

ORDER OF DISMISSAL

GARY JOSEPH MORTENSEN,

Plaintiff,

v.

HUMBOLDT COUNTY CORRECTION
FACILITY, et al.,

Defendants.


Case No. 24-cv-00934-HSG

Plaintiff has filed two *pro se* civil rights cases pursuant to 42 U.S.C. § 1983. On July 11, 2024, the Court identified deficiencies in both the complaints, granted Plaintiff leave to file an amended complaint in Case No. 24-cv-00933, and directed Plaintiff to dismiss Case No. 24-cv-00934. *See* C No. 24-cv-00933 HSG, Dkt. No. 9; C No. 24-cv-00934 HSG, Dkt. No. 9. The Court ordered Plaintiff to file an amended complaint in Case No. 24-cv-00933 by August 21, 2024, and informed Plaintiff that failure to comply with the deadline would result in both these cases being referred to a district court judge for dismissal. *See* C No. 24-cv-00933 HSG, Dkt. No. 9; C No. 24-cv-00934 HSG, Dkt. No. 9. On July 22, 2024, the July 11, 2024 Order was returned to the Court as undeliverable, with the notation that Plaintiff was no longer at the jail. *See* C No. 24-cv-00933 HSG, Dkt. No. 10; C No. 24-cv-00934 HSG, Dkt. No. 10.

1 N.D. Cal. Civil L.R. 3-11 provides that the Court may, without prejudice, dismiss a
2 complaint when: (1) court mail addressed to the *pro se* party has been returned to the court as not
3 deliverable, and (2) the Court fails to receive within 60 days of this return a written
4 communication from the *pro se* party indicating a current address. *See* N.D. Cal. Civil L.R. 3-
5 11(b). More than sixty days has passed since court mail addressed to Plaintiff was returned as
6 undeliverable. Accordingly, both these cases are DISMISSED without prejudice pursuant to N.D.
7 Cal. Civil L.R. 3-11. Because the dismissals are without prejudice, Plaintiff may move to reopen
8 these cases. Any motion to reopen these cases must comply with the Court's July 11, 2024 Order
9 and be accompanied by a statement showing good cause for failure to comply with N.D. Cal. Civil
10 L.R. 3-11. Judgment is entered in favor of Defendants and against Plaintiff. The Clerk shall close
11 these cases.

12 **IT IS SO ORDERED.**

13 Dated: 10/3/2024

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15 HAYWOOD S. GILLIAM, JR.
16 United States District Judge
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